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STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PROPOSED REVISIONS TO ADJUSTMENT
METHOD AND DISPOSAL REPORTING
SYSTEM REGULATIONS

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, OCTOBER 18, 2004
9:30 A.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBER

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Denise Hume, Staff

Sherrie Sala-Moore, Supervisor, Disposal Reporting Section

Diane Shimizu, Waste Management Specialist

Lorraine Van Kekerix, Branch Manager, Waste Analysis
Branch

ALSO PRESENT

Evan Edgar, California Refuse Removal Council

Jim Hemminger, California Rural Counties

Scott Smithline, Californians Against Waste

Chuck White, Waste Management

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 PROCEEDINGS

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 SUPERVISOR SALA-MOORE: Okay. We'll go ahead and
5 begin. My name is Sherrie Sala-Moore, Supervisor of the
6 Disposal Reporting System Unit.

7 First, the official statement. This is the
8 Public Hearing to receive comments on the Proposed Revised
9 Regulations for the Adjustment Method and Disposal
10 Reporting System. We will not be discussing the comments
11 at today's hearing. Staff may clarify whether a
12 requirement is included in the proposed revised
13 regulations.

14 Anyone wishing to comment should fill out a
15 speaker slip, available on the table back by the door, and
16 hand it to staff at the front of the room. All speakers
17 are requested to come to the podium. We left an open
18 section here to come around to make the comments. Please
19 start your comments by stating your name and who you
20 represent. If you brought written comments to the
21 hearing, you may give them to Diane Shimizu. All parties
22 that wish to receive copies of future revisions are
23 requested to sign in on the sign-in sheet provided on the
24 table by the door.

25 At the end of the comments, staff will discuss

1 the next steps regarding the proposed regulations, and the
2 public hearing will be closed.

3 Now, because it's been quite a while since the
4 last presentation regarding the regulations, we'd like to
5 start with a brief review of the rulemaking process to
6 date and touch on the highlights of some of the proposed
7 changes.

8 --o0o--

9 SUPERVISOR SALA-MOORE: The adjustment method and
10 the disposal reporting system, which we'll be referring to
11 DRS, are integral parts of the disposal-based diversion
12 rate measurement system that's been in use since 1995.
13 Diversion had never been measured this way before. The
14 DRS and adjustment method regulations were written to
15 establish minimum standards that allowed for flexibility
16 at the local level.

17 --o0o--

18 SUPERVISOR SALA-MOORE: In 2000, SB 2202 was
19 passed requiring the Board to analyze the DRS. Over the
20 course of a year, stakeholder working groups and reviewers
21 met to develop solutions to various issues. They assisted
22 the Board to prepare a report to the Legislature which
23 included Board-approved recommendations to improve DRS and
24 goal measurement. Some of these recommendations called
25 for regulatory changes. The regulatory changes are only

1 one part of the SB 2202 recommendations.

2 --o0o--

3 SUPERVISOR SALA-MOORE: In November 2002, the
4 first informal draft revised DRS and adjustment method
5 regulations went out for public review and comment.

6 In December 2002, two informal regulations
7 workshops were held.

8 Since the DRS regulatory changes were extensive,
9 staff also conducted two sets of sub-topic workshops in
10 March 2003 to further solicit input on the revised DRS
11 regs.

12 In June 2003, the second draft revised DRS
13 regulations went out for public review and comment, and
14 two workshops were held.

15 --o0o--

16 SUPERVISOR SALA-MOORE: Board staff received a
17 great deal of feedback on the first and second informal
18 draft regulations. Based on all the comments received,
19 the regulations were revised significantly.

20 --o0o--

21 SUPERVISOR SALA-MOORE: In November 2003, Board
22 directed staff to start the formal rulemaking process.
23 However, also in November 2003, the Governor issued an
24 Executive Order which delayed the regulations process. On
25 September 3rd, 2004, we began the 45-day comment period,

1 which ends today.

2 And now Diane Shimizu will present the following
3 slides that highlight some of the changes made.

4 --o0o--

5 WASTE MANAGEMENT SPECIALIST SHIMIZU: The next
6 slides contain information on changes made to the
7 regulations since we began the informal rulemaking
8 process, including a comparison of current first informal
9 draft and 45-day comment versions of the regulations.
10 However, in this presentation, I will focus on the text
11 proposed for the 45-day comment period.

12 The proposed revised DRS regulations were
13 formatted so each type of participant in the system can
14 easily see the requirements that apply to them. Many of
15 the existing requirements are repeated for each type of
16 participant, so this regulations package is longer.

17 --o0o--

18 WASTE MANAGEMENT SPECIALIST SHIMIZU: In terms of
19 changes to the adjustment method regulations, the proposed
20 text specifies that countywide EDD industry or countywide
21 EDD labor force employment data may be used in the
22 diversion rate calculation. Additionally, the proposed
23 revised regulations allow for the use of countywide
24 industry factor for the non-residential estimate and
25 countywide EDD labor force employment factor for the

1 residential estimate.

2 --o0o--

3 WASTE MANAGEMENT SPECIALIST SHIMIZU: Signage,
4 the proposed regulations require that a sign regarding
5 origin surveys be posted at a location visible to incoming
6 vehicles.

7 --o0o--

8 WASTE MANAGEMENT SPECIALIST SHIMIZU: In the SB
9 2202 report, regulatory requirements for scales and
10 weighing were recommended for improving accuracy and
11 consistency statewide.

12 --o0o--

13 WASTE MANAGEMENT SPECIALIST SHIMIZU: Based on a
14 review of DRS data and stakeholder input, the threshold
15 throughput for the scales requirement was set at greater
16 than 100 annual average tons per day for landfills and
17 transfer stations and greater than 200 tons per day for
18 rural facilities. Based on staff analysis, only eight
19 facilities would be required to have scales that do not
20 currently have scales.

21 Facilities can apply for an exemption from the
22 scales requirement. At a minimum, all loads greater than
23 one ton or greater than six cubic yards would require
24 weighing at the facilities with scales. For waste that is
25 not weighed, the facility would use documented conversion

1 factors to estimate weight.

2 --o0o--

3 WASTE MANAGEMENT SPECIALIST SHIMIZU: A training
4 requirement is proposed to ensure that employees have
5 adequate and relevant training in DRS. The proposed
6 training requirements are flexible, requiring an overview
7 of DRS and an understanding of the system as it relates to
8 the individual employee's job duties. The Board will
9 provide training modules that may be used to satisfy the
10 requirement.

11 --o0o--

12 WASTE MANAGEMENT SPECIALIST SHIMIZU: And
13 consistent with the SB 2202 recommendations, the
14 regulations have changed from a minimum one week per
15 quarter survey period to daily origin surveys at most
16 facilities. Many facilities already conduct daily
17 surveys. The proposed revised regulations allow an
18 operator to use a one week per quarter survey for loads
19 one ton and less and for all loads at rural facilities.

20 --o0o--

21 WASTE MANAGEMENT SPECIALIST SHIMIZU: The
22 proposed regulations require commercial haulers to provide
23 facility operators with jurisdiction of origin information
24 based on their company dispatch, billing, or other
25 relevant records.

1 --o0o--

2 WASTE MANAGEMENT SPECIALIST SHIMIZU: All other
3 haulers would be required to provide the name of the
4 jurisdictions from which their loads originated.

5 --o0o--

6 WASTE MANAGEMENT SPECIALIST SHIMIZU: The current
7 regulations require quarterly landfill and transformation
8 reports that specify the jurisdiction allocations of
9 disposed and transfer tons as well as the tons per type of
10 material used for ADC and alternative intermediate cover.

11 --o0o--

12 WASTE MANAGEMENT SPECIALIST SHIMIZU: The first
13 informal draft text added requirements for breaking out
14 the source of delivery for each data record.

15 --o0o--

16 WASTE MANAGEMENT SPECIALIST SHIMIZU: As in the
17 current regulations, operators are required to report by
18 jurisdiction the total tons disposed and transformed and
19 the total tons of each type of alternative daily cover and
20 alternative intermediate cover used each quarter.

21 In addition, the proposed regulations require
22 that operators report the tons of waste received from each
23 jurisdiction. The initial draft requirement for breaking
24 out the delivery source for each data record was removed.

25 --o0o--

1 WASTE MANAGEMENT SPECIALIST SHIMIZU: The first
2 informal draft text added some requirements for facilities
3 to provide annual reports that explain the methods used to
4 track and report DRS data.

5 --o0o--

6 WASTE MANAGEMENT SPECIALIST SHIMIZU: The
7 proposed regulations include this new requirement for
8 facility operators to report on the disposal reporting
9 methods at their facilities. These methods include the
10 frequency of origin surveys, the method of tracking waste,
11 and all conversion factors used.

12 --o0o--

13 WASTE MANAGEMENT SPECIALIST SHIMIZU: Currently,
14 regulations require transfer station operators to keep DRS
15 records as part of the minimum standards. The proposed
16 regulations would also require landfill operators to keep
17 DRS records as part of the minimum standards.

18 --o0o--

19 WASTE MANAGEMENT SPECIALIST SHIMIZU: The 45-day
20 comment period ends today at 5:00 p.m. Information
21 including relevant rulemaking documents may be found on
22 the Internet at the address on the slide.

23 This concludes staff's presentation, and we will
24 begin hearing public testimony.

25 Again, anyone wishing to comment should fill out

1 a speaker slip, available on the table by the door, and
2 hand it to staff at the front of the room. All speakers
3 are requested to come to the podium to make comments.
4 Please start your comments by stating your name and who
5 you represent. And if you brought written comments to the
6 hearing, you may give them to me.

7 And first we'll hear from Chuck White.

8 MR. WHITE: Should I go around and face the
9 audience?

10 Chuck White with Waste Management. Appreciate
11 the opportunity to come and speak. We will be submitting
12 comments in conjunction with NorCal and Allied Waste by
13 the close of business today.

14 We are very much concerned about the breadth and
15 scope and complexity of this proposed rulemaking package.
16 I do have some general concerns, and I'll just run briefly
17 through some very specific concerns.

18 We think that the rulemaking should be broken
19 into two parts. There are two parts, one for the
20 adjustment method and one for the disposal reporting
21 system. You've got two initial Statement of Reasons, one
22 eight-page for the adjustment method and another 111-page
23 initial Statement of Reasons for the disposal reporting
24 system that has been very difficult to digest.

25 To be frankly honest with you, we really don't

1 fully comprehend the adjustment method, although we've
2 been advised that the adjustment method formulas and
3 calculations will provide additional flexibility to local
4 government in using the adjustment method. So we have no
5 objection with that part of the rulemaking moving forward.
6 But we would ask that the second more lengthy and
7 complicated disposal reporting system be handled
8 separately.

9 With respect to the disposal reporting system,
10 we're concerned that these proposed revisions may be in
11 conflict with an evolving restructuring of the AB 939
12 compliance system. The Waste Board recently held a
13 workshop on the 5th. There was overwhelming sentiment, at
14 least from my perspective, that we need to consider
15 restructuring the AB 939 compliance program to provide
16 more emphasis on diversion programs and less emphasis on
17 numbers. Not that we have to get rid of numbers, but do
18 we really need to track numbers at each of the 536
19 jurisdictions around the state?

20 The vast bulk of these proposed regulations for
21 the disposal reporting system is to facilitate a level of
22 accuracy and precision necessary to track waste at the
23 individual jurisdiction by jurisdiction level in
24 California. And a number of us question whether or not
25 that really is a wise and efficient use of the state's

1 limited resources, and shouldn't we be focusing our
2 attention on diversion programs and providing that as the
3 more relevant measure of an individual jurisdiction's
4 success in meeting the goals of AB 939. What kind of
5 programs are implemented, rather than the tons disposed
6 and diverted on an individual jurisdiction by jurisdiction
7 basis.

8 So we believe that this rulemaking package ought
9 to be put on hold, at least the disposal reporting part,
10 until such time as further discussions have been held with
11 the Legislature, the Administration, and other
12 stakeholders on whether or not it makes sense to
13 restructure the AB 939 compliance system to provide more
14 focus on programs at the local jurisdiction level than
15 perhaps on the individual disposal and diversion numbers
16 at the individual jurisdiction level.

17 Our third area of concern is just simply we need
18 additional time to fully digest these 68 pages of
19 regulations, 111 pages of initial Statement of Reasons.
20 It's just been too difficult to coordinate the comments
21 within my own organization, the concerns people have at
22 the local level.

23 It's hard for me to even get comments from the
24 front line people in my organization, because the way the
25 complexity of the regulations -- they're written assuming

1 you have a junior level of education in college in order
2 to understand these regulations. I've found it's very
3 hard for me to reach out to the people at the scale
4 houses, the drivers, and to have them be able to fully
5 comprehend what is being asked of them as part of this
6 rulemaking package. I think I can get there, but I cannot
7 do it in 45 days, for organizations such as Waste
8 Management that has 3,000 employees in California. We
9 just cannot put together comments on this scope, this size
10 rulemaking package within a 45-day process.

11 So back to my second comment, we hope this
12 disposal reporting system gets tabled until such time as
13 there's an opportunity to fully evaluate what the evolving
14 new AB 939 compliance system would look like. But at a
15 minimum, give us an additional 45-day period to adjust to
16 comment on these regulations.

17 These regulations, our fourth general area,
18 really transfer the regulatory burden from the current
19 regulations, which are primarily at landfills and transfer
20 stations, now to individual haulers. Ironically, if you
21 look at the scope of the regulations with respect to
22 commercial haulers, there's about three times the
23 rulemaking language in these regulations directed towards
24 commercial haulers versus self-haulers. And it's widely
25 acknowledged around the state that self-haulers are

1 probably the ones that are responsible for the majority of
2 the errors in the reporting system. That's not to say the
3 commercial haulers aren't remiss at a certain level, but
4 it's ironic that the far greater burden of these
5 regulations in these proposed regulations is put on
6 commercial haulers rather than self-haulers to identify
7 the appropriate place where the waste is generated.

8 Finally, in general, there's a number of very
9 specific concerns that our three companies, NorCal, Allied
10 Waste, and Waste Management, all have. A landfill, for
11 example, that has to serve 100 jurisdictions is going to
12 be responsible for reporting through this system 5,272
13 pieces of information every year to the various
14 jurisdictions -- to the state in these regulations, not to
15 mention its own separate reporting that is many times
16 imposed by local government. We think that really goes
17 beyond the pale.

18 So in terms of specific comments, we've got some
19 concerns about the air space utilization factor
20 definition. It's not consistent with the current
21 definition of practice in industry. Similar concerns with
22 waste to cover ratios and in-place waste densities. I'll
23 further elaborate on these when we submit comments.

24 There's a requirement showing that contaminated
25 soil, for example, is neither diversion nor disposal. But

1 where did this come from? We recognize that contaminated
2 soil is not ADC. Why wouldn't contaminated soil be
3 diversion if it's not placed into a landfill for disposal?

4 There's increased training burdens, increased
5 recordkeeping burdens, increased reporting burdens, and,
6 for example, that over 5,000 pieces of information a
7 landfill would be required to report on every year if they
8 serve 100 jurisdictions.

9 There's a requirement, for example, for haulers
10 to identify potential alternative daily cover when it's
11 delivered to a landfill. How would a hauler know whether
12 or not something is going to be used as ADC? That's going
13 to be the decision made of the receiving facility. In
14 fact, I think that's blatantly against state law to put
15 something in that is virtually impossible for someone to
16 comply with. How would they ever know that something is
17 going to be potentially used? And even if they did know
18 it was potentially going to be used, what if it wasn't
19 used for alternative daily cover? So what's the point of
20 reporting -- having a hauler report on potential
21 alternative daily cover?

22 There's a term used in these regulations called
23 "commercial haulers." That's completely different than
24 the term that is frequently used in industry. A
25 commercial hauler is somebody that provides waste services

1 to commercial and industrial sources and perhaps
2 multi-family residential, but not single-family
3 residential. Yet, this definition in these regulations
4 identifies commercial haulers as anybody that provides
5 waste services pursuant to collecting a fee from
6 residential, commercial, industrial, other generators,
7 which puts it in conflict with the way this term is
8 commonly used.

9 I mentioned previously that the regulations focus
10 on increased regulations on commercial haulers. That's as
11 opposed to haulers, and I guess haulers is meant to focus
12 on self-haulers. With respect to haulers or self-haulers,
13 there's 20 lines of new regulations with 221 words, yet
14 for commercial haulers there's 61 lines of regulations
15 with 590 words. That's just a simple illustration that
16 these regulations put a greater burden on that portion of
17 the industry that is causing the least problem with
18 respect to accuracy in disposal reporting and less burden
19 on the ones that everybody knows are -- believes are
20 responsible for the majority of the problems.

21 There's increased signage requirements at all
22 facilities. I don't know how many of you have actually
23 been out to a solid waste facility recently and seen the
24 number of signs that greet you when you walk into the
25 gatehouse at any transfer station or disposal facility.

1 But to think putting an additional sign up is going to
2 encourage people significantly to accurately report the
3 location of where this tonnage comes from, I think you're
4 sadly mistaken.

5 The scale requirements of these regulations
6 impose 100-ton-per-day scale. That is 5/100 percent of a
7 percentage of the total disposal in California,
8 100-ton-per-day facility. There would be no other state
9 in the union that would be asking for that level of
10 disposal reporting system accuracy down to 5/100 of a
11 percent of the total statewide disposal. It only makes
12 sense to require 100-ton-per-day facilities, perhaps, if
13 you're going to be asking individual jurisdictions to
14 continue to track their disposal tons. But if you're
15 looking at it on a regional basis, a countywide basis, or
16 a statewide basis, 100-ton-per-day scale requirement is
17 simply not necessary.

18 Throughout the regulations in several locations,
19 the proposed regulations contain notes that the state will
20 provide a model request for exemption from scale
21 requirements. If that model request is not provided in
22 these regulations, we would ask that the model request be
23 public noticed along with the regulations so people have a
24 chance to see what a model request would look like.

25 Similarly with training modules. On pages 34,

1 47, 56, 65, and 70, there's references that the state will
2 provide training modules for haulers, operators, agencies,
3 jurisdictions, and the districts to be able to explain
4 these regulations to their workers. Those are not
5 provided as part of these draft regulations. We would ask
6 they be made part of the 45-day public comment period so
7 we can get a sense of whether or not it really is possible
8 to explain these regulations to rank and file workers
9 within these various jurisdictions and agencies.

10 And then there's an area I'd like to see further
11 clarification that was left out of the regulations. And
12 that is, how are tires included in the disposal reporting
13 system? Or are tires to be reported at the same level of
14 accuracy going back to the individual jurisdictions if
15 they happen to be disposed or used for ADC at a landfill?
16 I don't believe that's currently the practice in the state
17 right now. Is that where we're planning to go with
18 respect to the counting of the disposal of tires? Are
19 they part of the disposal reporting system or not? And
20 are we expecting all tire haulers to provide information
21 on the individual jurisdictions each tire comes from in
22 California so that the landfill can report on its origin
23 if it happens to be disposed?

24 These are a number of our concerns. We'd like at
25 a minimum more time to be able to digest the full scope of

1 these. I'm going to need a lot more than one bag of these
2 little beans if I'm going to have enough energy to get
3 through reading all of these regulations and be able to
4 fully understand them. So I appreciate Evan's giving me
5 some sustenance today, and I'm sure we'll hear more from
6 his perspective on his organization. Thanks.

7 WASTE MANAGEMENT SPECIALIST SHIMIZU: Thank you.

8 Our next speaker will be Evan Edgar.

9 MR. EDGAR: Thanks, Chuck.

10 My name is Evan Edgar for the California Refuse
11 Removal Council. We're a nonprofit trade organization
12 representing over 100 solid waste haulers in the state of
13 California, 50 transfer stations, and over a dozen
14 landfill operators.

15 We've been involved with AB 939 since the
16 beginning on disposal recordkeeping and running the scale
17 houses. We've been able to work with the Waste Board over
18 the last four years on disposal reporting, and we feel
19 there's a lot of value in doing so.

20 We are basically the people with the franchises
21 and the permits. And we are the people who are accurately
22 reporting information at our scale house to the
23 jurisdictions today, even following some aspects of the
24 proposed disposal reporting system. However, it's been
25 generally recognized the problem has been with self-haul

1 waste and non-franchise commercial waste, and that is the
2 genesis of getting accuracy. We feel we have been
3 complying with disposal reporting and have been and will
4 in the future.

5 This process has been going on since SB 2202 in
6 the year 2000. There have been numerous meetings and
7 workshops. A lot of progress has been made and some
8 details left to be had. But we support the overall
9 concept of SB 2202, support the Waste Board approved
10 regulations SB 2202 and overarching policies, and believe
11 that we should move forward in a timely manner. There's
12 no reason to shelf this, no reason to end this, only to
13 extend the comment period, not to end the disposal
14 reporting.

15 With respect to the alternative to AB 939
16 compliance system, there was a workshop in this room that
17 was packed with over 100 people. That was bigger than
18 just disposal reporting. It had to do with AB 939
19 diversion. It had to do with future programs. It had to
20 do with a lot of other issues than just disposal.

21 Today, we're talking about disposal reporting.
22 That's all we're talking about, the end of a four-year
23 process. And whereas the AB 939 compliance system is
24 launching a whole new era that could have legislation, a
25 lot of new ideas, different benchmarking. So there's no

1 reason to try to confuse the emerging AB 939 compliance
2 system that looks at diversion disposal and confuse it
3 with what is the end of a disposal reporting system that
4 has some clarity and just needs some fine-tuning.

5 Because there's a 74-page rulemaking package and
6 because there are some nuances there, we would support the
7 position of Waste Management and NorCal and Allied to
8 extend the comment period another 45 days to have
9 everybody fully understand that. So we understand the
10 complexities and the details, but we believe that
11 extension of the comment period in the short term is
12 valuable, but there's no reason to shelf this regulatory
13 package. It's four years in the making.

14 Let's talk about the cost of compliance. Say
15 there's 4 million tons a year in California. We spend one
16 buck a ton just on disposal and collection, and that would
17 be about \$40 million per year. But the average is about
18 75 to 100 bucks per ton to collect and dispose of solid
19 waste. We're talking about a 3 to \$4 billion a year
20 industry in revenue for 40 million tons per year.

21 If you look at the Notice of Proposed Rulemaking,
22 the cost of the one-time business cost is about 660,000,
23 and the annual cost is about \$270,000 per year. Even at a
24 buck a ton and \$40 million revenue, that's less than one
25 percent. If you have a 3 to \$4 billion program on

1 disposal collection and disposal, we're talking very, very
2 few beans in order to account for that system.

3 And there's been a lot of rhetoric over bean
4 counting and the burden to the industry. And this type of
5 the cost to industry is not that overly burdensome. And I
6 have a little question. How many beans are in a ton? And
7 I got you a package to look at. But we feel that we count
8 tons, and we believe that we've been doing it for a while.
9 And we can comply with emerging regulations with the
10 fine-tuning that Waste Management pointed out.

11 Another thing we believe in is role exemption.
12 We have a lot of CRC members that have a lot of members in
13 the Sierra Nevadas and in the Central Valley. And we have
14 always supported the concept of role exemption for smaller
15 landfills and transfer stations and even supported
16 alternative diversion requirements. We recognize that the
17 California Performance Review recommended a reduction in
18 mandates for solid waste diversion for rural communities,
19 RES 27, which CRC supports. However, that does not reach
20 to urban areas.

21 There's a claim by some that the California
22 Performance Review is supposed to blow up the disposal
23 reporting system. It does not. It's very clear. It
24 talks about rural disposal should have an exemption. We
25 support that.

1 So with respect to the California Performance
2 Review and the Governor's mandate, we do not see anywhere
3 inside of there any type of way to blow up the disposal
4 diversion system and have some type of Enron accounting
5 system take its place. We would support the role
6 exemption and some accountability.

7 We believe the cost of compliance is not bean
8 counting. It's less than one percent, if that. We
9 believe the DR regulations should move forward in a timely
10 manner. And I believe some of the things that Chuck
11 pointed out can be fixed within the next 45-day comment
12 period that should happen in the short term.

13 And for the record, there are 6 million coffee
14 beans in a ton, 2.7 million pinto beans in a ton, and only
15 800,000 jelly belly beans in a ton.

16 We do count tons. We have accurate scales.
17 We're doing it now. And the incremental cost of business
18 is not substantial in order to shelf this regulatory
19 package. We should move forward.

20 MR. WHITE: Would you give those bean numbers
21 again?

22 MR. EDGAR: Six million coffee beans in a ton,
23 2.7 pinto beans in a ton, and 800,000 jelly belly beans in
24 a ton.

25 So if you want to count beans, you can count

1 those. But we're counting tons, and it's easy to count.

2 Thank you.

3 WASTE MANAGEMENT SPECIALIST SHIMIZU: Thank you.

4 I just want to remind people in the audience, if
5 you would like to speak, please fill out the speaker
6 request.

7 And I do have another one from Scott Smithline.

8 MR. SMITHLINE: Good morning, everyone. I'm
9 Scott Smithline with Californians Against Waste. I just
10 have a couple brief comments.

11 Californians Against Waste supports this
12 regulatory package. We think it's important to move
13 forward to improve the disposal reporting system. In
14 particular, we think it's important to get a better sense
15 of origin information where the refuse is coming from. We
16 think that's really important for obvious reasons.

17 And a second issue, which is also critical, is to
18 get a handle on beneficial reuse information. We know how
19 much landfills are reporting in terms of ADC. But it's
20 going to be important to get information on additional
21 beneficial reuse at these facilities to get a handle on
22 how much diversion is actually being diverted in our
23 landfills.

24 As far as the AB 939 alternative compliance
25 process, Californians Against Waste is an active

1 participant in that process. Yet, we see it as a parallel
2 process. We don't see any reason why these regulations
3 should be delayed, postponed, or anything of that sort for
4 that process.

5 As industry has requested a 45-day extension to
6 comply or to comment on these regulations, Californians
7 Against Waste would support that.

8 WASTE MANAGEMENT SPECIALIST SHIMIZU: Thank you.

9 There are no other people that would like to
10 speak. The written comment period for the proposed
11 regulations ends at 5:00 p.m. today. If you brought
12 written comments to the hearing, please give them to me,
13 or you may also mail or e-mail the comments to my
14 attention prior to the deadline.

15 We're going to wait 15 -- staff is going to wait
16 15 minutes to see if additional people come in before we
17 conclude the hearing. So if you'd like to take a break
18 now and come back in about 15 minutes, we can talk about
19 the next steps and we'll close the hearing at that point.

20 (Thereupon a recess was taken.)

21 WASTE MANAGEMENT SPECIALIST SHIMIZU: Okay. We'd
22 like to get started again.

23 Do we have any more speaker slips? Any others,
24 bring them to me. Thanks.

25 Okay, Jim.

1 MR. HEMMINGER: Thank you. My name is Jim
2 Hemminger. I'm with the Rural Counties Environmental
3 Services JPA, representing 21 rural counties throughout
4 California. Appreciate the opportunity to say a few words
5 about the proposed regulations.

6 Really, you have two separate sets of
7 regulations, one on the adjustment method and one on the
8 disposal reporting system. In rural counties, the
9 adjustment method is particularly impactful on how we
10 calculate our numbers. We do feel the proposed
11 regulations provide added flexibility. While they don't
12 deal with some of the more fundamental problems associated
13 with the adjustment method, we do see them as a positive
14 step forward and would like to recommend that the Waste
15 Board proceed with the adoption of that set of
16 recommendations.

17 The disposal reporting regs, a lot more complex,
18 a lot more difficult to implement. Quite frankly, the
19 rural counties do not have significant issues in
20 adequately tracking their disposal volumes. A lot of the
21 collection and disposal is within jurisdictional
22 boundaries.

23 But it is -- and I would like to thank, certainly
24 acknowledge, Lorraine and her staff over the last couple
25 of years, really, has gone out of her way to meet with us,

1 talk to our member counties, and as you'll see in going
2 through the regulations, there are some exemptions and
3 exclusions for rural counties which are appropriate, since
4 the disposal reporting system is not a major problem for
5 us. So I do appreciate that, and we have worked together.
6 And I think we've largely accomplished our common goal
7 there.

8 It is complicated. It's a major set of
9 regulations. And I would -- ES JPA would support
10 industry's request for additional time, if need be, to
11 further study these. Our counties could benefit from the
12 time. We don't think -- at this point, considering the
13 significant changes, a little additional time to be sure
14 we get this right is I think warranted, and we would
15 support that.

16 Furthermore, I'm not sure if it's on the radar
17 right now, but as folks know, we are working together to
18 look at alternative compliance methods for AB 939. If
19 we're successful in that effort, we won't really need to
20 continue to wrestle with the disposal reporting system.

21 So, again, looking at the complexities and the
22 costs really to private industry that may be associated
23 with these regulatory changes, we would support a
24 recommendation to defer moving forward with these regs, if
25 need be, pending further development of the alternative

1 process. That way we can expend our resources looking to
2 correct some fundamental changes in the system, instead of
3 spending our time dealing with changes to the existing
4 regulations.

5 Thank you very much. And those are my comments.

6 WASTE MANAGEMENT SPECIALIST SHIMIZU: Thank you.

7 I don't have any other speaker slips, so I think
8 we're done in that respect.

9 Lorraine will talk about future steps.

10 WASTE ANALYSIS BRANCH MANAGER VAN KEKERIX: Thank
11 you for your comments. We will consider all written and
12 oral comments as we look to make revisions to the proposed
13 regulations.

14 I suspect that there will not be a problem with
15 adding additional review time for this regulations
16 package. However, I need to check upstairs and see if
17 that's all right.

18 We will send out an e-mail to the interested
19 parties list, which I believe has gone out to several
20 thousand people, as soon as we can make that decision.
21 And we'll try to get that done during the course of the
22 day today.

23 We will also look at some possible next steps.
24 We currently had hoped that they would move forward in
25 November to the Committee. We will need to go back and

1 regroup if we put the comment period longer than that
2 Committee date. So we will let you know via e-mail as
3 soon as we possibly can in terms of the dates.

4 And this concludes the Public Hearing on the
5 Proposed Revised Adjustment Method and Disposal Reporting
6 System Regulations. We thank you all for attending and
7 thank you for your comments.

8 (Thereupon the California Integrated Waste
9 Management Board Public Hearing on the
10 Proposed Revised Adjustment Method and
11 Disposal Reporting System Regulations
12 Adjourned at 10:48 A.M.)
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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 19th day of November, 2004.

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23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

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